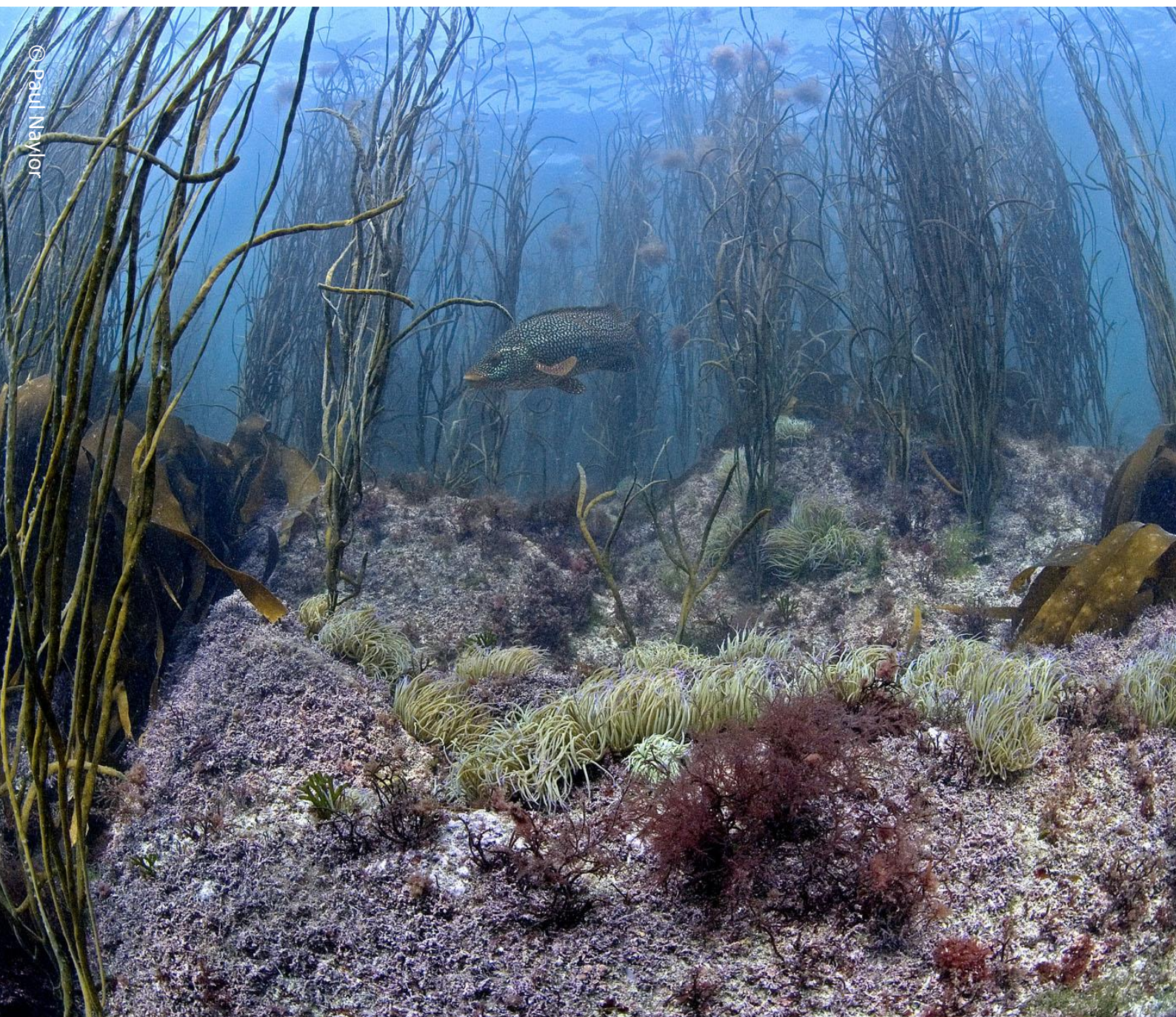


Scottish Wildlife Trust

Policy



Scottish
Wildlife
Trust



© Paul Naylor

Marine Planning

Marine Planning Policy

Scope of this Policy

1. This policy covers the Scottish Wildlife Trust's views on Marine Planning¹ in Scotland. It supports both the Trust's vision for '*a network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas*'² and the Wildlife Trusts' vision for Living Seas³.

Policy Headlines

The Scottish Wildlife Trusts believes that Marine Planning in Scotland must:

- a) Work to ecological principles that maintain or restore native species diversity, habitat diversity and heterogeneity, populations of keystone species⁴ and connectivity
- b) Take an ecosystems-based approach to achieving sustainable development and the protection and recovery of Scottish seas
- c) Recognise that healthy seas and the protection of natural resources are a prerequisite for a sustainable marine economy and coastal communities
- d) Integrate with Marine Protected Areas and other policy instruments to deliver the objective of the Marine Strategy Framework Directive to achieve Good Environmental Status of our seas by 2020.

The entire policy statement is given in Sections 27- 42.

Overview

2. In a period of increasing demand for space and resources in the marine environment, and against a backdrop of declining health of marine ecosystems, there is an urgent need to end a history of disjointed marine management that places an over-reliance on reactionary mechanisms such as Environmental Impact Assessment. If applied correctly, the introduction of a plan-led system of marine planning will help avoid conflict, identify areas for appropriate development, manage resources sustainably and, most crucially, protect and enhance important natural assets.
3. Recent legislation at the EU, UK and national levels provide strong tools to introduce a system of marine planning in Scotland that focuses on the protection of the natural resources upon which marine-related economic and social activities depend. There is a danger however, that increased political focus on economic growth could result in diversion from a truly ecosystem-based approach. The Scottish Government must now show political commitment and strong leadership to implement what is one of the most advanced frameworks for marine planning in Europe.

What is Marine Planning?

4. UNESCO define marine planning as '*a public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process.*'⁵

5. Effective marine planning systems can be characterised by the following elements:

Ecosystem-based, balancing ecological, economic, and social goals and objectives toward sustainable development

Integrated, across sectors and agencies, and among levels of government

Place-based or area-based

Adaptive, capable of learning from experience

Strategic and anticipatory, focused on the long-term

Participatory, stakeholders actively involved in the process⁶

6. The introduction of marine planning would see a move away from a marine management system characterised by sector-led development, where decision-makers have little strategic oversight or proactive review of the effect of developments on the marine environment or other marine activities. In contrast, marine planning ensures that management or development decisions are taken coherently across sectors. It introduces a forward-looking process that considers the competing demands on marine resources and factors in the protection of natural resources at the strategic planning level.
7. The primary output of marine planning is a comprehensive spatial management plan or vision that sets out the strategic priorities and incorporates a system of zonal mapping. At the development level, licencing or permitting decisions must be taken in accordance with the marine plan. Importantly, effective marine planning is dynamic process that will be influenced and changed by emerging knowledge and stakeholder input.
8. The principle benefits of marine planning across economic, social and environmental aspects are outlined in Appendix 1. The Scottish Wildlife Trust is fully supportive of the development of marine planning in Scotland on the basis that it provides a more holistic, ecosystem-based approach to managing activity in the marine environment. The integration of multiple sectors and policies allows it to consider the entire ecosystem, including humans. The primary objective of such an approach is to maintain a healthy, productive ecosystem, resilient to change so that it can provide the goods and services that support our well-being. Furthermore, it allows an improved mechanism for assessing and reducing the cumulative and in-combination effects of activities.

Policy drivers for Marine Planning in Scotland

9. Numerous policy and legislative drivers have emerged over the last decade that provide a strong basis for an ecosystem-based approach to marine planning in Scotland. The Scottish Government is bound by the provisions of the EU Marine Strategy Framework Directive (MSFD) and the Marine (Scotland) Act 2010, which include adopting an ecosystem-based approach, sustainable development, marine planning, a network of Marine Protected Areas and achieving targets for marine ecosystem health. These help to implement a range of international policy commitments in relation to halting biodiversity loss, marine protection and sustainable development.
10. Each of these instruments must be put into action in Scotland through the adoption of a national marine plan that sets the strategic framework for regional marine planning systems to facilitate decision-making on marine activities.

European Union

Marine Strategy Framework Directive

11. The Marine Strategy Framework Directive⁷ (MSFD) is the first all-encompassing piece of EU legislation specifically aimed at the protection of the marine environment, with its primary objective to achieve Good Environmental Status (GES) of all EU waters by 2020 at the latest. The Directive sets out 11 high-level Descriptors of GES, which cover the key aspects of the marine ecosystem and the main human pressures on them (see Appendix 2).
12. The MSFD requires the implementation of an ecosystems-based approach to the management of human activities within the EU marine area. Although an ecosystem-based approach is not defined in the Directive, the Scottish Government has defined it in the marine context as *'the integrated management of human activities based on knowledge of ecosystem dynamics to achieve sustainable use of ecosystem goods and services and maintenance of ecosystem integrity.'*⁸
13. While the MSFD does not explicitly require marine planning, Member States are required to develop national strategies that consider *'spatial and temporal distribution controls'*, which are *'management measures that influence where and when an activity is allowed to occur'*. Marine planning alone will not deliver GES, and the MSFD strengthens commitment to designate coherent and representative networks of Marine Protected Areas across the EU.

Maritime Spatial Planning and Integrated Coastal Management Directive

14. The European Commission has proposed new legislation on a framework for maritime spatial planning and integrated coastal management, that if adopted would require Member States to establish marine plans and coastal management strategies.⁹ The draft Directive forms a key part of the EU Integrated Maritime Policy and Strategy for Blue Growth, and is primarily aimed as a mechanism for balancing the spatial needs of different marine sectors and providing clarity and certainty for investment decisions. Integrated coastal management is proposed as a tool to coordinate all policy processes affecting coastal areas, addressing land-sea interactions in a coordinated way with a view to ensuring their sustainable development, building on an earlier EU recommendation on Integrated Coastal Zone Management¹⁰ (ICZM).
15. While the proposal includes a requirement to apply an ecosystem-based approach to planning, there is a danger that the proposed Directive is primarily seen as a tool to drive economic growth and that ecosystem conservation will be considered as one 'use' of the marine environment rather than an overarching objective of the Directive.

United Kingdom

UK Vision for the Marine Environment

16. In 2002, Safeguarding our Seas¹¹ set out a vision for the UK marine environment of *"clean, healthy, safe, productive and biologically diverse oceans and seas"* and a strategy to achieve it with an ecosystem-based approach firmly at its heart. The strategy was underpinned by six principles: *sustainable development* – the needs of future generations should not be compromised by the needs of people today; *integrated management* – looking at the wider picture so that all those who manage or influence the marine environment work together at all levels with a common understanding; *conservation of biological diversity* – conserving and enhancing biological diversity within the UK and contributing to the conservation of global biodiversity; *robust science* – understanding the processes

and influences that impact on the marine environment and using research to inform policy-making and marine management; *the precautionary principle* – sensibly erring on the side of caution where the scientific evidence is not conclusive; and *stakeholder involvement* – involving all stakeholders so that they are an integral part of the decision-making process.

UK High Level Marine Objectives

17. Published in 2009, The High Level Marine Objectives¹² set the broad outcomes in achieving the UK vision and achieving sustainable development of the marine area. The objectives fall under four themes: achieving a sustainable marine economy; ensuring a strong, healthy and just society; living within environmental limits; and promoting good governance.

UK Marine Policy Statement

18. Adopted by all UK administrations in March 2011, the UK Marine Policy Statement¹³ is intended to provide a means to achieve the high level marine objectives in practice and sets the framework within which UK administrations will prepare Marine Plans and take decisions affecting the marine environment. According to the Statement, marine planning should: achieve integration between different objectives; recognise that the demand for use of our seas and the resulting pressures on them will continue to increase; manage competing demands on the marine area, taking an ecosystem-based approach; enable the co-existence of compatible activities wherever possible; and integrate with terrestrial planning. The statement also includes commitment to the co-ordination of marine planning across national boundaries. Coordination will include planning for activities that extend across borders, the sharing of data and the timing of plan development. However, the intended co-operation does not extend as far as to state that a single marine plan will be developed for the Solway Firth.

Scotland

The Marine (Scotland) Act 2010

19. The Marine (Scotland) Act 2010 establishes a statutory marine planning system for the Scottish marine area¹⁴ with a National Marine Plan and Regional Marine Plans that must deliver ecosystem objectives, as well as a new network of Marine Protected Areas (MPAs). Executive devolution of marine planning in the Scottish offshore area (from 12nm to 200nm) allows the development and adoption of a National Marine Plan for all of Scotland's seas. The Act includes a general duty to further the achievement of sustainable development, including the protection and, where appropriate, enhancement of the health of the marine area. Public authorities must take decisions affecting the marine area in accordance with the National Marine Plan and any Regional Marine Plan that is in place.

National Marine Plan

20. Under the Act, a National Marine Plan must be adopted and will establish national strategic objectives and policies for Scottish seas. The Act requires that the National Marine Plan sets out policies for the sustainable development of the marine area and for nature conservation Marine Protected Areas. The Plan must also have regard to economic, social and ecosystem objectives, as well as objectives relating to the mitigation of, and adaptation to, climate change.
21. The National Marine Plan will sit alongside and must be consistent with existing terrestrial planning regimes. The two systems physically overlap between the level of mean low water spring tides to which terrestrial planning boundaries extend and the level of mean high water spring tides that marks the limit of marine planning. Public consultation on a draft National Marine Plan is expected during 2013, with adoption in early 2014.

Regional Marine Plans & Marine Planning Partnerships

22. Regional Marine Plans will provide a framework for local decision-making by applying a greater level of spatial and policy detail than in the national plan. Regional objectives and plans must be consistent with national objectives prescribed in the National Marine Plan. Regional marine planning will only apply to the Scottish inshore area, with the national plan applying in the offshore area where there is less need for a detailed spatial policy framework.
23. At a practical level, formal marine planning is expected to take place within Scottish Marine Regions¹⁵, while Marine Planning Partnerships, a delegated body acting on behalf of Scottish Ministers, will carry out the preparation and on-going functions of regional plans. Membership of the Partnerships is confined to public authorities and nominees of the Scottish Ministers or public authorities. The Government's stated intention is for the Partnerships to have a fully inclusive approach to membership and reflect the range of regional stakeholders.
24. The Act requires that these Partnerships adopt an inclusive approach in the development of a Regional Marine Plan and requires direct engagement to stakeholders in the plan-making process. They must for example prepare a Statement of Public Participation and hold a public consultation on a draft Regional Marine Plan.

Marine Ecosystem Objectives & Priority Marine Features

25. The Scottish Government proposes that there should be a set of Marine Ecosystem Objectives (MEOs) as *'a mechanism for setting out what the management of Scotland's coasts and seas is aiming to achieve, outlining strategic goals for the marine environment, and translating the principles of an ecosystem-based approach into practice.'*¹⁶ A scoping study¹⁷ proposed that a set of objectives should be aimed at achieving the two pre-existing sets of outcomes for Scottish seas: the UK High Level Marine Objectives, and the descriptors of Good Environmental Status in the MSFD.
26. Scottish Natural Heritage and JNCC are developing a rationalised list of marine habitats and species in order to focus marine nature conservation action in Scottish seas.¹⁸ Termed Priority Marine Features (PMFs), these will be comprised of features of marine conservation importance for which both spatial and non-spatial protection measures would be appropriate. Many PMFs have underpinned the selection of Marine Protected Areas. A draft list of 80 species is expected to undergo public consultation during 2013.

Policy Statement

27. The Scottish Wildlife Trust supports the ecosystem-based approach as the basis for marine planning, and believes it must be aimed at achieving ecological objectives that maintain or restore (a) native species diversity, (b) habitat diversity and heterogeneity, (c) populations of keystone species and (d) connectivity.¹⁹
28. The Scottish Wildlife Trust believes that an ecosystem-based approach to marine planning is fundamental to achieving the Scottish Government's vision of *'clean, healthy, safe, productive, biologically diverse marine and coastal environments, managed to meet the long-term needs of people and nature.'*
29. The Scottish Wildlife Trust believes that in developing national and regional marine plans there should be no diversion from the comprehensive principles set out in the UK vision and strategy "Safeguarding Our Seas", the UK High Level Marine Objectives or the UK Marine Policy Statement.

-
30. The Scottish Wildlife Trust believes that marine planning must recognise that healthy seas and the protection of natural resources are a prerequisite for a sustainable marine economy and coastal communities; this is a central theory of the MSFD and taking an ecosystem-based approach to marine planning.
 31. The Scottish Wildlife Trust believes that the principle aims of marine planning in Scotland should be the achievement of GES under the MSFD, furthering the achievement of sustainable development, and the protection, and where appropriate, enhancement of Scotland's marine area consistent with the Marine (Scotland) Act 2010.
 32. The Scottish Wildlife Trust believes that proposals for a EU Directive on '*maritime spatial planning and integrated coastal management*' must not result in a departure from the strong environmental objectives established in the MSFD. The MSFD already provides strong legal basis for establishing ecosystem-based and integrated marine planning, and as such the achievement of MSFD objectives should be the primary basis for the development of marine planning in Scotland.
 33. The Scottish Wildlife Trust believes that for marine planning to be effective in its aims, targets for the growth of individual marine sectors in Scotland's National Marine Plan must be assessed for their compatibility with marine ecosystem objectives. Impact appraisal tools, such as Strategic Environmental Assessment, must be consistently applied during both national and regional marine plan development to ensure that all aspects of the environment are effectively considered.
 34. The Scottish Wildlife Trust believe that the National Marine Plan must clearly set out plans and guidance for the conservation of an agreed set of Priority Marine Features, both in respect of those intended for protection within Marine Protected Areas and those where wider seas measures are appropriate.
 35. The Scottish Wildlife Trust believes that the precautionary principle must guide decision-making processes in marine planning. The precautionary principle is at the core of the EU Treaty, the Rio Declaration and the UK Sustainable Development Strategy. It is particularly relevant in a marine context where many uncertainties over the scale and severity of human impact on highly complex marine ecosystems remain.
 36. The Scottish Wildlife Trust believes that a fully coordinated programme of long-term monitoring of the marine environment is required to support marine planning decisions and ensure the on-going effectiveness of marine planning. In addition, the Scottish Government must commit to improving access to marine data and the collation of public and commercial data sources, including developing common protocols for data collection.
 37. The Scottish Wildlife Trust believes that marine plans should follow ecosystem boundaries rather than political ones. We urge full cross-border co-operation to ensure consistency between UK administrations in the development of marine plans. Failure to do so would lead to a continuation of disjointed marine management and would not foster a proactive, strategic and integrated approach.
 38. The Scottish Wildlife Trust believes that the Solway Firth should be treated as a single management unit for the purposes of marine planning. There is no impediment to such cross-border approaches as has been demonstrated in River Basin Management Planning under the Water Framework Directive.
 39. The Scottish Wildlife Trust opposes the subdividing of units of ecological continuity (e.g. firths, sea lochs or sounds) in setting the boundaries of Scottish Marine Regions for regional marine planning.
-

-
40. The Scottish Wildlife Trust believes that the Scottish marine planning system must integrate effectively with existing statutory planning regimes in and around the marine environment. These include local authority development plans and River Basin Management Plans under the Water Framework Directive.
 41. The Scottish Wildlife Trust believes that Marine Planning Partnerships - the bodies through which regional marine plans will be developed and operate - must have a fully inclusive membership, including conservation interests.
 42. The Scottish Wildlife Trust believes that Government must directly provide adequate financial and administrative support for Marine Planning Partnerships. As marine planning is an on-going process, support must be sustained beyond adoption of the regional marine plans, enabling the plans to be effective in practice and allow monitoring, review and adaptation.

The Scottish Wildlife Trust's Priorities for Action

43. The Scottish Wildlife Trust will advocate the principles outlined in this policy in engaging with Government and relevant stakeholders in the development of National and Regional Marine Plans. In particular, we will advocate for the protection of ecosystem functioning to be central to the implementation of marine planning in Scotland.

Cross-reference to other related SWT policies

Policy futures: living seas, 2010
Marine renewable energy, 2010
Finfish aquaculture, 2012

Appendix 1

1. The ecological, economic and social benefits of marine planning.

Ecological/ Environmental Benefits	Identification of biological and ecological important areas
	Biodiversity objectives incorporated into planned decision-making
	Identification and reduction of conflicts between human use and nature
	Allocation of space for biodiversity and nature conservation
	Establish context for planning a network of marine protected areas
	Identification and reduction of the cumulative effects of human activities on marine ecosystems
Economics Benefits	Greater certainty of access to desirable areas for new private sector investments, frequently amortized over 20-30 years
	Identification of compatible uses within the same area of development
	Reduction of conflicts between incompatible uses
	Improved capacity to plan for new and changing human activities, including emerging technologies and their associated effects
	Better safety during operation of human activities
	Promotion of the efficient use of resources and space
Social Benefits	Streamlining and transparency in permit and licensing procedures
	Improved opportunities for community and citizen participation
	Identification of impacts of decisions on the allocation of ocean space (e.g., closure areas for certain uses, protected areas) for communities and economies onshore (e.g., employment, distribution of income)"
	Identification and improved protection of cultural heritage
	Identification and preservation of social and spiritual values related to ocean use (e.g., the ocean as an open space)

From Ehler and Douvere. Marine Spatial Planning: a step-by-step approach toward ecosystem-based management. Intergovernmental Oceanographic Commission and Man and the Biosphere Programme. IOC Manual and Guides No. 53, ICAM Dossier No. 6. Paris: UNESCO. 2009 (English).

Appendix 2

1. The Marine Strategy Framework Directive (MSFD) aims to achieve Good Environmental Status in Europe's seas by 2020. Good Environmental Status (GES) involves protecting the marine environment, preventing its deterioration and restoring it where practical, while using marine resources sustainably. It is transposed into UK law by the Marine Strategy Regulations 2010.
2. The Directive sets out 11 high-level Descriptors of Good Environmental Status (see below), which cover the key aspects of the marine ecosystem and the main human pressures on them.
3. Qualitative descriptors for determining good environmental status:
 - a) Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.
 - b) Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems.
 - c) Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.
 - d) All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.
 - e) Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algae blooms and oxygen deficiency in bottom waters.
 - f) Sea floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.
 - g) Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems.
 - h) Concentrations of contaminants are at levels not giving rise to pollution effects.
 - i) Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards.
 - j) Properties and quantities of marine litter do not cause harm to the coastal and marine environment.
 - k) Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment.

¹ 'Marine Planning' is the common term in the Scottish and UK context - other terms include 'Marine Spatial Planning' or 'Maritime Spatial Planning'

² Scottish Wildlife Trust (2009) Natural Connections: a vision for re-building Scotland's wildlife

³ The Wildlife Trusts: Living Seas

⁴ A keystone species is one which affects ecosystem structure and function in a significant manner through its activity; the effect normally being disproportionate to its numerical abundance. The loss of keystone species can initiate profound changes in ecosystems, including declines in overall species diversity.

⁵ Ehler and Douvère. (2009) Marine Spatial Planning: a step-by-step approach toward ecosystem-based management. Intergovernmental Oceanographic Commission and Man and the Biosphere Programme. IOC Manual and Guides No. 53, ICAM Dossier No. 6. Paris: UNESCO.

⁶ *Ibid.*

⁷ Directive 2008/56/EC

⁸ Seas the Opportunity, Scottish Executive 2005

⁹ COM(2013) 133 final

¹⁰ 2002/413/EC

¹¹ Safeguarding Our Seas: A Strategy for the Conservation and Sustainable Development of our Marine Environment, Defra 2002

¹² Our Seas – a shared resource. High level Marine Objectives, Defra 2009

¹³ UK Marine Policy Statement, UK Administrations 2011

¹⁴ The marine area from the Mean High Water Spring tide to the 12 nautical mile territorial limit

¹⁵ The Act provides that Scottish Ministers may, by order, designate any part of the Scottish Marine Area as a Scottish Marine Region. A consultation on a draft order was carried in early 2013.

¹⁶ Sustainable Seas for All - A consultation on Scotland's first marine bill, The Scottish Government 2008

¹⁷ Saunders G., Scott M.M. (2010). Scottish marine ecosystem objectives: Scoping study. Scottish Natural Heritage Commissioned Report No. 341.

¹⁸ See both Howson, et al. (2012). Identification of Priority Marine Features in Scottish territorial waters. Scottish Natural Heritage Commissioned Report No. 388 and Joint Nature Conservation Committee (2012). Priority Marine Features in Scottish offshore waters. Joint Nature Conservation Committee Report 462. ISSN 0963 8091

¹⁹ See Foley MM, et al. (2010) Guiding ecological principles of marine spatial planning. Marine Policy